

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**13TH MARCH 2023, AT 6.00 P.M.**

PRESENT: Councillors C.A. Hotham (Chairman), J. Till (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, R. J. Deeming, S. P. Douglas (substitute) R. J. Hunter, A. D. Kriss and C. J. Spencer

Observers:

Councillor K. J. May (Leader of the Council and Portfolio Holder for Economic Development, Regeneration and Strategic Partnerships)

Councillor S. A. Webb (Portfolio Holder for Strategic Housing and Health and Well Being)

Officers: Mrs. S. Hanley, Mr P. Carpenter (on Microsoft Teams), Mr. M. Bough, Mr. O. Paparega, and Mr. M. Sliwinski.

72/22

**APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received from Councillor S. Colella, with Councillor S. Douglas attending as named substitute, and Councillor H. Jones.

73/22

**DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillors J. Till and A. Kriss declared interests in Minute No. 74/22 - Overview & Scrutiny Board Report – Damp & Mould in their capacity as private sector landlords. It was advised that this item was for information only and detailed the scale of the mould and damp issue in the District and what powers the Council possessed regarding property standards. Therefore, both Members remained at the meeting for the discussions in respect of this item.

74/22

**OVERVIEW & SCRUTINY BOARD REPORT - DAMP & MOULD**

The Board received a report on damp and mould in the district, detailing what powers the Council possessed regarding property standards and how Bromsgrove District Housing Trust (BDHT), a local registered provider, were dealing with this issue. It was noted that BDHT held approximately 86 per cent of the social housing stock in the district and thus were not the only social housing provider. Several other providers also operated in the district, and they were subject to the same responsibilities and requirements with regards to maintaining housing standards.

It was noted that according to the 2021 census tenure data, there was a roughly even split of social rented and private rented properties in Bromsgrove at about 4,400 of each.

It was explained that it could be estimated based on the English Housing survey data that around 440 private rented sector properties in Bromsgrove suffered from damp and mould. However, the records showed that in the last three years the Council's Private Sector Housing Team completed on average 62 Housing Health and Safety Rating System (HHSRS) inspections per year in Bromsgrove. This suggested that issues with mould and damp were likely under-reported and it was believed that this was due to fear of landlords serving notice and a lack of awareness of the service provided by the private sector housing team.

The full range of powers available to the Council in terms of enforcement of property standards was outlined and it was reported that the Council had the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004. When there was a significant risk to the health and safety of the occupant, due to category 1 or category 2 hazards, the Council had the power to issue Prohibition Orders to prohibit the use of all or part of the property – this applied to both private rented properties and social rented properties. It was underlined, however, that informal route to resolving situations was taken whenever possible, without resorting to formal notices or legal action.

It was noted that the Housing Act 2004 introduced the HHSRS. It was a calculation of the effect of 29 possible hazards on the health of occupiers and any visitors and during inspections Officers assessed properties against all 29 hazards. HHSRS calculation provided a combined score for each hazard.

The HHSRS applied equally to all tenures, therefore all enforcement options were available to the Council regardless of whether the premise in question was owner occupied, privately rented or a Registered Providers (RP) property.

It was noted that social tenants had recourse to approach social housing regulator with regards to complaints about standards of housing provided by the social landlord.

Following the presentation of the report, Members asked questions to which the following responses were provided:

- Officers undertook to find out and report to Members how many formal notices were served in the District over the last three years following HHSRS inspections. It was highlighted that the vast majority of cases were resolved through the informal route without recourse to formal notices.

- Members requested that the appendices to the report be provided and Officers undertook to provide this in a separate communication to Members.
- With regards to how and at what point Officers were able to determine whether damp and mould were occurring at a property due to lifestyle of property occupiers or due to structural issues, for example penetrative damp occurring from blocked gutters, it was noted that the Private Sector Housing Team would undertake a thorough assessment of the property based on the HHSRS to understand how damp occurred.
- Members were informed that for BDHT properties, BDHT would move tenants out during the rectification process at a property where damp and mould was occurring.
- It was noted that there was some evidence that in some of the district's social housing properties, damp issues might be attributed to insulation that was installed by housing providers at those properties. Members were reassured that investigation into this issue was ongoing.
- It was clarified that it was the social housing providers, including BDHT, who were responsible for and undertook insulation and that this was not the remit of the Council.
- Officers highlighted that external wall insulation would normally not cause damp to occur. Instead the direct issue was that properties were becoming more sealed through so that there was no necessary air circulation, which caused condensation and, in turn, mould. It was noted that this was often linked to lifestyle choices where windows and ventilation vents were kept permanently shut and/or heating was not being turned on.
- Officers highlighted that social tenants received a leaflet advising how mould and damp could be managed and there was also a video available on the Council's website explaining how to prevent mould from occurring.
- It was explained that a tenant could request inspection by calling the Private Sector Housing Team, but the landlord would also be informed and would need to be present at the proposed visit. In circumstances where the landlord was uncooperative, the inspection could take place without the landlord present.
- Members were informed that the Housing Enforcement Team did not have enough resource to undertake proactive inspections.
- Officers highlighted that the guidance on enforcement was built around a process of escalation and as such prosecution would only be considered in serious circumstances such as a deliberate, negligent, or persistent breach of legal obligations.
- It was explained that inspections followed a formulaic approach where the condition of the property was assessed against each of the 29 hazards as outlined in the Housing Health and Safety Rating System (HHSRS). The full inspection and production of report took approximately 2 hours. It was noted that if following the inspection the Officers decided to take formal action, there

would be fees to be paid by the person/organisation responsible for the property.

- It was noted that the most common cause of damp is lack of ventilation in rooms and advice would often be given with regards of how to increase room ventilation. It was noted that in some cases humidity extractor fans might be a possible option to tackle the issue.
- It was noted that government guidance was awaited on powers available if tenants were not cooperating with the advice given on how to tackle mould/damp issues and the situation worsened.

**RESOLVED** that the report be noted.

75/22

**BROMSGROVE 2040 VISION - PRE-SCRUTINY**

This item was postponed to a later date on the Cabinet Work Programme and as such could not be pre-scrutinised by the Overview and Scrutiny Board at this meeting.

76/22

**FINANCE AND BUDGET WORKING GROUP - UPDATE**

The Chairman advised that the last meeting of Finance and Budget Working Group took place on 9<sup>th</sup> February 2023. At that meeting the 2023-24 Budget was discussed. It was reported that one more meeting of the Working Group was planned to take place at a date yet to be determined.

**RESOLVED** that the Finance and Budget Working Group Update be noted.

77/22

**TASK GROUP UPDATES**

There were no ongoing task groups to report on before the Board.

78/22

**WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE**

Councillor S. Baxter, the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC) reported that a meeting of the Committee took place on Monday 13<sup>th</sup> March 2023. The matters discussed at this meeting included Hill Crest Mental Health Ward, where it was reported that the inpatient numbers had been cut to 10 which followed ongoing safety problems. It was reported that Physiotherapy Services and Elective Surgery were also discussed at the meeting.

It was commented that while data regarding health provision and facilities was concerning, the narrative needed to change to attract healthcare workforce to Worcestershire – currently the workforce shortages were preventing many of the changes taking place.

It was reported that it was concerning that Wythall was not included in Worcestershire Primary Care Network (PCN) datasets which made it difficult to obtain accurate health profile of the population in North Worcestershire which would allow actions to be put in place to improve matters.

Members discussed the proposed plans for a medical school in Worcestershire and it was reported that currently this was at an early proposal stage and more information would become available in due course. It was reiterated that shortages of key medical staff were acute in Worcestershire, for example with a shortage of about 200 nurses in the County.

**RESOLVED** that the Worcestershire Health Overview and Scrutiny Committee Update be noted.

79/22

**CABINET WORK PROGRAMME**

The Cabinet Work Programme was presented for Members' consideration.

**RESOLVED** that the contents of the Cabinet Work Programme be noted.

80/22

**OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

It was proposed that an overview item be added to the Overview and Scrutiny Board Work Programme on the wellbeing and support provided to Ukrainian refugees in the District.

After a debate, Members were informed that County Councillors could be contacted for more information regarding the support provided to Ukrainian refugees in the District and that up-to-date information on this were circulated via the Bromsgrove Partnership bulletin. Members were further informed that there was a dedicated support worker for Ukrainian refugees provided in Bromsgrove.

It was agreed that the available information and resources would be consulted in the first instance and Members could decide to add this item to the Board's Work Programme at a future Board meeting.

**RESOLVED** that the Overview and Scrutiny Board Work Programme be noted.

81/22

**TO CONSIDER, AND IF CONSIDERED APPROPRIATE, TO PASS THE FOLLOWING RESOLUTION TO EXCLUDE THE PUBLIC FROM THE MEETING DURING THE CONSIDERATION OF ITEM(S) OF BUSINESS CONTAINING EXEMPT INFORMATION:-**

**RESOLVED:** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the

consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part I of scheme 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below and that it is in the public interest to do so:-

<u>Item No</u>	<u>Paragraph</u>
11	3
12	3

82/22

### **FORMER MARKET HALL SITE PROPOSAL - PRE-SCRUTINY**

The Leader of the Council was invited to introduce the report on the Former Market Hall Site Proposal. She restated that Bromsgrove District Council had been awarded £14.5m of Levelling Up Funding from the Department for Levelling Up, Housing and Communities (DLUHC). Almost £11m of this funding was allocated to the redevelopment of the Former Market Hall Site. In respect of allocation of funding, it was clarified that Levelling Up Funding could not be allocated to any other projects due to the strict funding criteria.

It was reported that public consultation was currently underway in Bromsgrove regarding the Community Hub proposal along with proposals for a high quality office building at the Former Market Hall site. The consultation was open for comments online on the Council's website until 21st March 2023. Face-to-face consultation events were also held at BirdBox and Bromsgrove Library, on 4th and 6th March 2023 respectively, where there was opportunity to see the designs, share views, and talk to the architects and Officers working on the project. Members were informed that further consultation was due to take place on Monday 21st March 2023 with members of the Youth Hub regarding use of the pavilion on the site.

It was highlighted that alongside the landmark office space, a rooftop bar and a high quality restaurant were also included in the design. These businesses, plus the additional coffee shops, were designed to provide diversity and choice for visitors to Bromsgrove Town Centre. It was also noted that demand for premium office space in Bromsgrove had recently been evidenced in a report published by GJS Dillon regarding the Worcestershire Commercial Property Market. The Community Hub.

Officers highlighted that although the original deadline for the completion of funded projects was extended by central government for all projects from March 2024 to March 2025, these remained very restrictive timescales within which to deliver the redevelopment of the Former Market Hall site.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to the

financial and business affairs of any particular person (including the authority holding that information)).

83/22

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 17TH JANUARY 2023**

The minutes of the meeting of Overview and Scrutiny Committee on 17<sup>th</sup> January 2023 were considered including the exempt minutes record of that meeting (Minute Item No. 66/22 – Levelling Up Fund Update – Purchase of Windsor Street Site and Former Market Hall Site).

**RESOLVED** that the minutes of the Overview and Scrutiny Board meeting held on Tuesday 17<sup>th</sup> January 2023 be approved as a true and correct record and signed by the Chairman.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to the financial and business affairs of any particular person (including the authority holding that information)).

The meeting closed at 7.43 p.m.

Chairman